This Page Is Inserted by IFW Operations and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

As rescanning documents will not correct images, please do not report the images to the Image Problem Mailbox.

OPIC OFFICE DE LA PROPRIETE INTELLECTUELLE DU CANADIA PROPERTY OFFICE

(12)(19)(CA. Brevet-Patent

(11)(21)(C) 2,003,346

(22) 1989/11/20

(43) 1990/05/23 (45) 2000/02/15

(72) Calvo, Luis C., US

(72) Peters, David W., US

(73) Estee Lauder Inc., US

(51) Int.Cl.⁵ A61K 7/00

(30) 1988/11/23 (275,434) US

(54) COMPOSITIONS COSMETIQUES FLUORESCENTES

(54) FLUORESCENT COSMETIC COMPOSITIONS

(57) Disclosed are cosmetic compositions that exhibit a fluorescent appearance when applied to a person's skin (e.g., the lips or cheeks), hair or nails, and exposed to incident light, and a method of using those compositions to provide an aesthetically pleasing appearance to the skin, hair or nails. The compositions comprise: (a) a daylight fluorescent pigment comprising a daylight fluorescent dye dissolved in a carrier resin and (b) a cosmetic carrier having admixed therein said daylight fluorescent pigment in an amount effective to provide a fluorescent appearance to the compositions when they are applied to a person's skin, hair or nails.

FLUORESCENT COSMETIC COMPOSITIONS

TECHNICAL FIELD OF THE INVENTION

This invention relates to colored cos
metic compositions. More particularly, this invention relates to cosmetic compositions that fluoresce when applied to s person's skin (e.g., the lips or cheeks), hair or nails, and exposed to incident light, and to a method for providing an attractive fluorescent cent appearance to the skin, hair or nails.

BACKGROUND OF THE INVENTION

The use of cosmetics is widespread in modern society. Cosmetics typically are intended to provide an attractive appearance through the use of color, e.g., by highlighting certain features of the face and/or accentuating natural colors. Colored cosmetics can be used, for example, to accentuate lines of separation (lip liners), to provide sensuous color to portions of the skin (lipsticks and glosses) and to provide a "healthy glow" to the cheeks (blushes and rouges). Cosmetics may also be used to hide imperfections of the skin and to protect the skin (e.g., by blocking the skin from harmful ultraviolet light).

Dyss are known that fluoresce in the visible range in response to radiation in the ultraviolet and/or visible ranges. These dyes, which

fluoresce when dissolved in a suitable solvent, but not in their pure, dry powder state, ere referred to herein as "daylight fluorescent dyes". The dyes typicelly are dissolved in a carrier resin to obtain a solid solution, which then may be ground into a powder that exhibits fluorescent effects. Such powders are referred to herein as "daylight fluorescent pigments", the manufecture of which is described generally in United States Petent Nos. 2,851,424, 3,711,604, 3,856,550 and 2,938,878.

10

15

20

25

35

To the best of my knowledge, deylight fluorescent pigments to data have not been utilized in coemetic compositions. Neither, to the best of my knowledge, have daylight fluorescent pigments been applied to the skin (e.g., the lips or cheeks), heir, or nails to enhance their appearance.

It is an object of the present invention to provide cosmetic compositions comprising daylight fluorescent pigments that are characterized by exceptional brightness of color.

A further object of this invention is to provide attractive colored commetic compositions that are stable and sefe for application to the human ekin, hair or neils.

Another object of this invention is to provide a method of providing an attractive, fluorescent sppearance to the ekin, hair or nails.

SUMMARY OF THE INVENTION

The present invention relates to compositions and methods for achieving the foregoing objects. The compositions comprise:

(a) a daylight fluorescent pigment comprising a daylight fluorescent dye dissolved in a carrier rssin, and (b) a cosmetic carrier having admixed therein the daylight fluorescent pigment in an amount effective to provide a fluorescent appearance to the compositions when they are applied to a person's skin, hair or naile. The methods of this invention comprise applying an effective amount of the foregoing compositions to a person's skin (e.g., lips or cheeke), hair or nails.

The daylight fluorescent pigment component

of the compositions of this invention should be present
in an amount sufficient to provide the skin, hair,
or nails with an aesthetically pleasing fluorescent
appearance. Preferably the daylight fluorescent
pigment comprises about 0.5-50% by weight of the
cosmetic composition. The daylight fluorescent dye
solution preferably comprises about 0.1-50% by weight
of the daylight fluorescent pigment, on a dry weight
basis. Generally, the more opaque the cosmetic
carrier, the greater the amount of pigment and/or
dye needed to achieve a desired effect.

The compositions of this invention may take a wide variety of forms, e.g., lipeticks, glosses, blush powders, mascaras and other similar make-up compositions. The cosmetic carrier may comprise a wide variety of ingredients that are conventionally used in cosmetics, e.g., waxes, mineral oils, fatty alcohols, glycerine, and sunscreens.

25

DETAILED DISCLOSURE OF THE INVENTION

Any daylight fluorescent dye may be used
in the compositions of this invention, provided it is
safe for application to the skin, hair or nails, has
a desirable color and is compatible with the other
components of the composition. It is desirable to
use a dye that is approved for drug and cosmetic use
(D&C dyes) or food, drug and cosmetic use (FD&C dyes).
The preferred fluorescent dyes for use in the com-

positions of this invention are FD&C Red #3, D&C Red #22, D&C Red #28, D&C Yellow #8, D&C Orange #5, D&C Orange #11 and D&C Green #8. Such dyes are well. known, commercially available materials, with their chemical structure being described, e.g., in 21 C.F.R. Part 74 (as revised April 1, 1988) and the CTFA Commetic Ingredient Handbook, (1968), published by the Cosmetics, Toiletry end Fragrancy Association, Inc.

10

15

20

35

Any carrier resin may be used in the compositions of this invention provided it can be pulverized to a fine powder, is sefe for epplication to
the skin, and is competible with the other componente of the composition. The carrier resin may be
thermoplestic or thermosetting. The use of thermoeetting materials is generally preferred because
such materials are more reedily ground to minute
pigment-size particles, without tending to "gum-up"
or egglomerate during grinding.

Preferred carrier regins are those that do not absorb appreciable amounts of incident light, especially in the visible spectrum. Preferably, the carrier resins are transparent or at least trans-

25 lucent.

Polymeric materials approved by the Food and Drug Administration as "Indirect Food Additives" are especially preferred carrier racins for use in the make-up compositions of this invention. These materials, of the type listed in 21 C.F.R. Part 177 (as revised April 11, 1988), include, e.g.,

ecrylic, cellophane, fluorocarbon, polyamide, polyester and polysulfone resins.

The deylight fluorescent pigments used in the compositions of this invention can be made by diecolving one or more deylight fluorescent dyes in the chosen carrier resin while the resin is in fluid or liquid form (e.g., during the manufacture of the resin, or by heeting the elready formed resin above its melting point). The deylight fluorescent pigments used in the compositions of this invention may also be made by contacting dry, powdered resin with one or more deylight fluorescent dyes that heve been solubilized in an acid solution, and allowing the dye to be absorbed into the resin.

10

15

20

25

30

35

The resulting deylight fluorescent pigment is then allowed to harden by cooling or curing and, theresfter, is pulverized to the desired particle size. After pulverizetion, the average size of the deylight fluorescent pigment particles may be narrowed by any of verious systems of classification, (e.g., by sieving or by eir classification). Preferably, the pigment particles are substantially uniform in size and do not exceed about 100 or 150 microns in diameter. Very fine particle sizes in the range of about 5-25 microns are most setisfactory for use in the compositions of this invention, elthough larger and smaller particle sizes may be used.

Depending on the color effect desired, e mixture of fluorescent dyes mey be used in the compositions of this invention. Suitable such mixtures include, for example, mixtures of (a) D&C Yellow #8 and D&C Red #28, (b) D&C Yellow #8 and D&C Red #22, (c) D&C Red #28 and D&C Red #22, and (d) D&C Orange #5 and D&C Red #28.

Also depending on the color effect desired, one or more non-fluorescent dyes or pigments may elso be included in the compositions of this invention. Virtually ell (if not ell) of the coloring meteriels that ere currently being used in commercial cosmetic compositions are suitable for such use. Among such meterials are the lake of D&C Red #3, D&C Red #6, D&C Red #7, the lake of D&C Red #21, the

10

20

lake of D&C Red #27, D&C Red #30, D&C Red #33, D&C Red #36, the lake of D&C Red #40, the lake of FD&C Yellow #6, D&C Yellow #6, the lake of D&C Yellow #10, the lake of FD&C Blue #1, and the lake of D&C Blue #1. These materials are listed in 21 C.F.R. Parts 74 and 82 (as revised April 1, 1988). Additionally, any of the colorants listed in Subparts A-C of 21 C.F.R. Part 73, (as revised April 1, 1988), may be included in the compositions of this invention.

while the compositions of this invention may be applied to any portion of the skin or hair, in the most preferred embodiments the compositions are applied to the cheeks or to the lips. The compositions, therefore, preferably takes a form suitable for such applications, e.g., the form of a lipstick or a powder for application to the cheeks.

The cosmetic carrier for the daylight fluorescent pigment or pigments is chosen to provide a composition that has the desired form (e.g., an emulsion, lipstick or powder). The cosmetic carrier should, of course, also be compatible with the daylight fluorescent pigment and be suitable for application to the skin, hair, or nails of a person.

Suitable cosmetic carriers are well known in the cosmetic art and include a vast array of materials. For example:

(1) When the composition takes the form of stick (e.g., a lipstick), at least a portion of the carrier typically will be a wax. Suitable waxes may be selected from the group consisting of lanolin, beeswax, candelilla wax, carnauba wax, cocoa butter, silicone waxes, fatty acids having a chain length of C12-C22, salts of the foregoing fatty acids, and mixtures thereof. In addition, the carrier may also include one or more oils, such as oils selected from

the group consisting of paraffin oil, purcellin oil, sweet almond oil, avocado oil, castor oil, sesame oil, jojoba oil, mineral oils, silicone oils, ceresl-germ oils, and mixtures thereof. The cerrier may also include any number of colorants, flavorings or perfumes that are conventionally used in lipsticks.

- of a powder (e.g., s rouge composition for application to the cheeks), the carrier typically will comprise s mineral or organic filler, such as materials selected from the group consisting of talc, kaolin, starch, polyethylena powder, polyamids powder and mixtures thereof. The carrier may also include other meterials that are conventionally used in many commercial cosmatic powders such as binders and colorants.
- of a semi-liquid, the carrier typically comprises a mixture of one or more waxes and one or more oils.

 The same waxes and oils that may be used to make the lipsticks of this invention may also be used to make products of the invention that are in the form of semi-liquids, except that the specific oil and wax components and the amounts of those components are selected to provide a product that is in the form of a semi-liquid, as opposed to a stick, at .

Regardless of the form of the product, the compositions of this invantion may also include one or more ingredients that are conventionally used in cosmetic compositions. Such ingredients include, for example, perfumes; sunscreens, such as paraminobenzoic acid (PABA) and its derivatives; anti-oxidants, such as butylated hydroxyanisols, butylated hydroxytoluene, tocopherol and ascorbyl palmitate; emulsifying agents; and prasarvatives, such as butyl paraben and ethyl paraban.

In addition to protecting the skin from the harmful effects of ultraviolet light, sunscreens such as PABA perform the additional function of diminishing the harmful degredative effects of such light on the daylight fluorescent pigments, which can cause such pigments to fade over time. Other ultraviolet absorbers that are not conventionally classified as sunscreens, such as titanium dioxide, may also be included in the compositions of this invention for the purpose of diminishing the harmful degradative effects of ultraviolet light on the pigments and colorants in the compositions.

The pigments and cosmetic carriers mey be combined to prepare the compositions of this invention by techniques conventionally used to prepare cosmetic compositions.

The following non-limiting examples illustrate the present invention.

EXAMPLE I

This example illustrates e procedure for making a daylight fluorescent pigment for cosmetic use from the following ingredients: deionized weter, sodium octoxynol-2 ethane sulfonete (TRITON X200, Rohm & Haas Co.), glaciel ecetic acid, D&C Yellow #8 dye, and powdered toluene sulfonamide formeldehyde resin (SAMTOLITE, Monsanto Corp.).

Procedure

10

We dissolved 3 grams of TRITON X200 (e wetting agent that fecilitates dye penetration) and 30 grams of glecial ecatic acid into 120 grams of deionized water. We added 0.3 gram of D&C Yellow #8 to the solution, and mixed it for 10 minutes using a suitable laboratory mixer at a low speed, e.g., 30 rpms. We then added 15.0 grams of the powdered

toluene sulfonamide formaldehyde resin and mixed the slurry for 3 additional minutes at the same speed.

The excess water was then decanted and the remaining pigment washed 8 times with deionized water. Aftar the final decanting, the rasulting fluorescant pigment was dried and pulverized using a mortar and pestle.

All the foregoing steps were carried out at room temperature.

10

15

EXAMPLE II

This example illustrates a procedure for making a lipstick composition containing a fluorescent pigment, from the following ingredients: castor oil, candelilla, carnauba, castor wax, beeswax, ozokerite, lanolin, lanolin oil, mineral oil, butyl stearate, castor oil, and a fluorescent pigment (i.e., the Example I fluorescent pigment).

Procedure

41.00 grams of caator oil, 7.80 grams of candelilla, 2.00 grams of carnauba, 0.60 grams of 20 castor wax, 2.40 grams of becawax, 3.60 grams of ozokerite, 7.80 grams of lanolin, 7.80 grams of lanolin oil, 3.00 grams of mineral oil, and 9.00 grams of butyl stearate were combined, heated to 80°C and mixed gently until homogeneous. 3.00 grams 25 of the Example I fluoreacent pigment was then added to 12.00 grams of caator oil and ground 3 times through a roller mill. This was added to the oil/wax mixture, which was then mixed until homogeneous, cooled to 60°C and poured into lipstick molds. The 30 resulting sticks were cooled, withdrawn from the molds and fitted into lipatick cases.

2003346

-10-

EXAMPLE III

This example illustrates a procedure for making a pressed powder blush containing a fluorescent pigment, from the following ingredients: talc, zinc stearate, mica, fluorescent pigment (i.e., the Example I fluorescent pigment), cetyl alcohol, mineral oil (70 cps), and octyl dodecanol (STANDAMUL G, Henkel).

Procedure

- 10 66.0 grams of talc, 2.0 grams of zinc stearate, 6.0 grams of mica and 20.0 grams of the Example I fluorescent pigment were blended together and pulverized to yield a finely divided powder.
- 1.2 grams of cetyl alcohol, 1.2 grams of mineral oil and 3.6 grams of octyl dodecanol were combined, heated to 65°C and mixed gently until homogenous. The resulting mixture was then sprayed over the above described powder. This was then blended until uniform in a ribbon blender.

We claim:

- 1. A cosmetic composition comprising: (a) a daylight fluorescent pigment formed by dissolving a daylight fluorescent dye into a carrier resin that acts as a solvent for the dye, said daylight fluorescent pigment containing about 0.1-50% by weight of the daylight fluorescent dye, and (b) a cosmetic carrier having admixed therein said daylight fluorescent pigment in an amount effective to provide an attractive cosmetic effect to the composition when it is applied to a person's skin, hair or nails.
- 2. The composition according to claim 1, wherein the daylight fluorescent dye is selected from the group consisting of FD&C Red #3, D&C Yellow #8, D&C Red #22, D&C Red #28, D&C Orange #5, D&C Orange #11, D&C Green #8 and mixtures thereof.
- 3. The composition according to claim 1, wherein the carrier resin is selected from the group consisting of acrylic, cellophane, fluorocarbon, polyamide, and polyester resins.
- 4. The composition according to claim 2, wherein the carrier resin is selected from the group consisting of acrylic, cellophane, fluorocarbon, polyamide, and polyester resins.
- 5. The composition according to claim 4 wherein the composition contains about 0.5-50% by weight of the daylight fluorescent pigment.
- 6. The composition according to claim 1, wherein the composition is in the form of a stick suitable for application to the lips.
- 7. The composition according to claim 1, wherein the composition is in the form of a powder.
- 8. The composition according to claim 1, wherein the composition is in the form of a semi-liquid.
- 9. A method for providing the skin, hair or nails of a person with an attractive fluorescent appearance comprising applying to the skin, hair or nails an effective amount of the composition of claim 1.



- 10. A method for providing the skin, hair or nails of a person with an attractive fluorescent appearance comprising applying to the skin, hair or nails an effective amount of the composition of claim 2.
- 11. A method for providing the skin, hair or nails of a person with an attractive fluorescent appearance comprising applying to the skin, hair or nails an effective amount of the composition of claim 3.
- 12. A method for providing the skin, hair or nails of a person with an attractive fluorescent appearance comprising applying to the skin, hair or nails an effective amount of the composition of claim 4.
- 13. A method for providing the skin, hair or nails of a person with an attractive fluorescent appearance comprising applying to the skin, hair or nails an effective amount of the composition of claim 5.
- 14. A method for providing the lips of a person with an attractive fluorescent appearance comprising applying to the lips an effective amount of the composition of claim 6.
- 15. A method for providing the skin or hair of a person with an attractive fluorescent appearance comprising applying to the skin or hair an effective amount of the composition of claim 7.
- 16. The method of claim 15 wherein the composition is applied to the cheeks of a person.
- 17. A method for providing the skin, hair or nails of a person with an attractive fluorescent appearance comprising applying to the skin, hair or nails an effective amount of the composition of claim 8.

Abstract

Disclosed are cosmetic compositions that exhibit a fluorescent appearance when applied to a person's skin (e.g., the lips or cheeks), hair or nails, and exposed to incident light, and a method of using those compositions to provide an aesthetically pleasing appearance to the skin, hair or nails. The compositions comprise: (a) a daylight fluorescent pigment comprising a daylight fluorescent dye dissolved in a carrier resin and (b) a cosmetic 10 carrier having admixed therein said daylight fluorescent pigment in an amount effective to provide a fluorescent appearance to the compositions when they are applied to a person's skin, hair or 15 nails.